

UNITED STATES OF AMERICA,

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-V-

JOSHUA ADAM SCHULTE,

Defendant.

JOSHUA ADAM SCHULTE,

17-CR-548 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

The Court, having reviewed the parties' CIPA Section 6 submissions, ORDERS the following:

- (1) By **May 2, 2022, at NOON**, the Government shall provide the Court, in a binder, copies of all classified documents referenced in Defendant's January 28, 2022 and February 7, 2022 Section 5 Notices and his April 25, 2022 Response to the Government's CIPA Section 6(a) Motion.
- (2) Defendant's Response to the Government's CIPA Section 6(a) Motion clarifies and crystallizes the reasons for which he seeks to use classified information at trial. In light of that, and because it would benefit the Court, the Government shall file a reply, not to exceed ten pages, addressing Defendant's Response by **May 2, 2022, at NOON**.
- (3) In its CIPA Section 6(a) Motion, the Government asks the Court to adopt the witness security measures that were used in the first trial before Judge Crotty, which included a partial courtroom closure for certain witnesses from the Central Intelligence Agency. *See* ECF No. 293; *see also* ECF Nos. 260, 263. With respect to that request:
  - a. No later than **May 9, 2022**, the Government shall file a classified supplemental

- (2) Defendant’s Response to the Government’s CIPA Section 6(a) Motion clarifies and crystallizes the reasons for which he seeks to use classified information at trial. In light of that, and because it would benefit the Court, the Government shall file a reply, not to exceed ten pages, addressing Defendant’s Response by **May 2, 2022, at NOON.**

- (3) In its CIPA Section 6(a) Motion, the Government asks the Court to adopt the witness security measures that were used in the first trial before Judge Crotty, which included a partial courtroom closure for certain witnesses from the Central Intelligence Agency. *See* ECF No. 293; *see also* ECF Nos. 260, 263. With respect to that request:

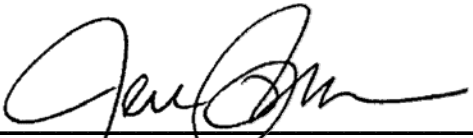
- a. No later than **May 9, 2022**, the Government shall file a classified supplemental

submission enumerating the witnesses to whom such measures would apply, specifying those for whom the courtroom would be partially closed and those who would testify under pseudonyms. *See* ECF No. 293, at 6 nn.3-4.

- b. No later than the **same date**, the Government shall file a classified supplemental declaration from an appropriate official regarding the continuing necessity of the measures with respect to each witness, including whether there have been any material changes in the facts and circumstances since the first trial.
- c. Any comment or objection by a member of the press or public on the proposed witness security measures shall be filed by **May 13, 2022**. The Court will address the issue at the public status conference scheduled for **May 18, 2022, at 3:00 p.m.** (If either party believes that the issue needs to be addressed prior to May 18, 2022, that party shall promptly inform the Court.)

SO ORDERED.

Dated: April 26, 2022  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge